

Chapter 67

(House Bill 496)

AN ACT concerning

No Representation Without Population Act

FOR the purpose of requiring certain incarcerated individuals to be counted in certain population counts in a certain manner; prohibiting certain incarcerated individuals from being included in certain population counts used for the purpose of creating a certain congressional districting plan and the legislative districting plan for the General Assembly and certain county and municipal corporation legislative districts; and generally relating to population counts of incarcerated individuals and the creation of legislative and congressional districts.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 8–701

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

BY adding to

Article – State Government

Section 2–2A–01 to be under the new subtitle “Subtitle 2A. Creation of the
Legislative Districting Plan”

Annotated Code of Maryland

(2009 Replacement Volume)

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 1–111

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

8–701.

(a) THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR THE PURPOSE OF CREATING THE CONGRESSIONAL DISTRICTING PLAN USED TO ELECT THE STATE'S REPRESENTATIVES IN CONGRESS:

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

(B) The State is divided into eight districts for the election of the State's Representatives in Congress.

[b] (C) (1) The descriptions of congressional districts in this subtitle include the references indicated.

(2) The references to:

(i) election districts and wards are to the geographical boundaries of the election districts and wards as they existed on April 1, 2000; and

(ii) precincts are to the geographical boundaries of the precincts as reviewed and certified by the local boards or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2000 census redistricting data program and as those precinct lines are specifically indicated in the P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.

Article – State Government

SUBTITLE 2A. CREATION OF THE LEGISLATIVE DISTRICTING PLAN.

2-2A-01.

THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTING PLAN FOR THE GENERAL ASSEMBLY:

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

Article 24 – Political Subdivisions – Miscellaneous Provisions

1-111.

THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTS THAT ARE USED TO ELECT ~~A COUNTY'S~~ THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL CORPORATION:

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, April 13, 2010.